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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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**UNITED STATES OF AMERICA,**

**CR 15-32-M-DWM-03**

**Plaintiff,**

**OFFER OF PROOF**

**vs.**

**BRIAN SPAIN,**

**Defendant.**

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**THE CHARGE**

The Defendant, Brian Spain, is charged in the Superseding Information with possession of a firearm in a federal facility in violation of 18 U.S.C. §§ 930(a) and 2.

## **PLEA AGREEMENT**

There is a plea agreement to be filed in this case. The United States did present any and all formal plea offers to the defendant in writing. *See Missouri v. Frye*, 132 S. Ct. 1399 (2012).

## **PENALTIES**

The Defendant is subject to a maximum penalty of one year imprisonment, \$100,000 fine, one year supervised release, and a \$25 special assessment.

## **ELEMENTS**

In order for the defendant to be found guilty of the charge in the Superseding Information, the United States must prove each of the following elements beyond a reasonable doubt:

- First, possession of a firearm in a federal facility was committed by someone;
- Second, the defendant aided that person with respect to at least one element of possession of a firearm in a federal facility;
- Third, the defendant acted with the intent to facilitate possession of a firearm in a federal facility; and
- Fourth, the defendant acted before the crime was completed.

The elements for possession of a firearm in a federal facility are:

First, someone caused or caused to be present a firearm;

Second, in a federal facility (other than a Federal courthouse); and

Third, someone did so knowingly.

## **ANTICIPATED EVIDENCE**

If this case was tried in United States District Court, the United States would present the following evidence:

1. Brian Spain and Eric Daniel Doyle were friends. Both lived in the Kalispell, Montana area for most of 2014.
2. Doyle came up with a plan to make money by using the internet to sell firearms to people who lived in other countries. Doyle used the United States Postal Service to ship the firearms out of the United States. He used other friends to mail those packages from various United States Post Offices in Northwestern Montana. Those post offices were located in Lakeside, Missoula, and Browning, Montana. The mailings occurred February through August 2014.
3. Knowing what Doyle was doing – selling and shipping firearms to people using the USPS, Spain acquired four Glock handguns and transferred them to Doyle.

Respectfully submitted this 1st day of February, 2016.

MICHAEL W. COTTER  
United States Attorney

*/s/ Paulette L. Stewart*

Assistant U.S. Attorney  
Attorney for Plaintiff